

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In Re WAL-MART STORES, INC.)
WAGE AND HOUR LITIGATION)

Nos. C06-2069 SBA (BZ) &
C06-5411 SBA (BZ)

This Document Relates To:)

SECOND DISCOVERY ORDER

Case Nos.)

C06-2069 SBA (Smith) and)
C06-5411 SBA (Ballard))
_____)

On June 14, 2007, I held a telephonic conference to discuss the discovery disputes described in the parties' June 5 and June 8 letters. All parties participated through counsel. I find the disputes capable of resolution without further briefing or hearing and, for the reasons discussed on the record, **IT IS ORDERED** as follows:

1. I find that plaintiffs' production demands are directed to defendant Wal-Mart Stores, Inc., and seek information about its employees in California, not a subset of those employees, such as those that work for "Wal-Mart stores". See Dukes v. Wal-Mart Stores, Inc., 222 F.R.D. 137,

1 141, 145 (N.D. Cal. 2004) aff'd Dukes v. Wal-Mart, Inc., 474
2 F.3d 1214 (9th Cir. 2007) (describing "Wal-Mart Stores, Inc."
3 as including divisions such as Sam's Club). If defendant
4 believes the plaintiff class should be limited to a subset of
5 its employees, it must proceed by appropriate motion, not by
6 withholding discovery.

7 2. Information responsive to production demands 19, 20
8 and 21 that defendant Wal-Mart Stores, Inc., is prepared to
9 produce by the week of June 25 shall be produced by no later
10 than **noon, June 29, 2007**.

11 3. Information responsive to production demands 19, 20
12 and 21 that defendant Wal-Mart Stores, Inc., is not prepared
13 to produce by the week of June 25 shall be produced by no
14 later than **noon, July 13, 2007**.

15 Dated: June 14, 2007

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17 _____
18 Bernard Zimmerman
United States Magistrate Judge

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